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w/order

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RB 7/15/02

FILED  
HARRISBURG, PA  
JUL 12 2002  
MARY E. ANDREA, CLERK  
Per \_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD C. WOJEWODZKI,	:	CIVIL ACTION NO. 1:CV 01-285
	:	
Plaintiff	:	
	:	
v.	:	JUDGE SYLVIA H. RAMBO ✓
	:	
CONSOLIDATED FREIGHTWAYS,	:	
INC.,	:	
	:	
Defendant	:	JURY TRIAL DEMANDED

**JOINT MOTION FOR CONTINUANCE**

Consolidated Freightways Corporation of Delaware ("CF")  
(improperly identified as "Consolidated Freightways, Inc." in the caption),  
and Richard C. Wojewodzki, by and through their attorneys, hereby jointly  
move this Court for a continuance of the trial in the above-captioned action  
now scheduled on the Court's August, 2002 trial list, and in support thereof  
state:

1. On April 1, 2002, this Court issued a Scheduling Order  
which set trial for August 5, 2002. This order also set the pre-trial

conference for August 1, 2002, and required pre-trial memoranda to be filed on or before July 26, 2002. On April 10, 2002, Magistrate Judge Smyser issued a report and recommendation which supported CF's Motion for Summary Judgment. On July 11, 2002, this Court issued an order rejecting the majority of Judge Smyser's recommendations and confirming that trial will commence on August 5, 2002.

2. Undersigned Counsel for Mr. Wojewodzki is unable to commence trial on August 5, 2002, because of a previously scheduled vacation during the weeks prior to trial and because of treatment and recovery relating to an ongoing medical condition.

3. Undersigned lead and associate Counsel for CF are unable to commence trial on August 5, 2002, because of another trial commencing on the same date before Judge Kane. The case number is 1:CV 99-1865, Quinn v. Consolidated Freightways.

4. The Parties both believe this case will be ready for trial on or after October 15, 2002, and jointly request that this Court continue trial until after that date.

5. Additionally, the Parties request that the date for the pre-trial conference, currently scheduled for August 1, 2002, be adjusted to reflect the new trial date. The Parties also request that the pre-trial

memoranda due date, current established as July 26, 2002, be similarly rescheduled.

WHEREFORE, CF and Mr. Wojewodzki respectfully request that this Honorable Court issue an appropriate order continuing the trial date presently set for August 5, 2002 and place the matter on the trial list on another date convenient with this Court on or after October 15, 2002. Furthermore, CF and Mr. Wojewodzki request that this Honorable Court issue an order rescheduling the pre-trial conference and establishing a new due date for the pre-trial memoranda.

Respectfully Submitted,

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Date: July 12, 2002

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